

## **REMARKS**

Applicants appreciate very much the examiner's time during our recent phone conversation. Reconsideration and withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested in view of the following remarks.

### **35 USC §103**

The examiner has rejected claims 1-10 under 35 U.S.C. 103(a) as being unpatentable over French, et al., (5,264,145), asserting the following:

French, et al., disclose a soap bar composition comprising 25-70% by weight of a fatty acid soap; 5 to 305 by weight of a lathering surfactant; and about 15-30% by weight of water (col. 2, lines 29-60). French, et al., teach that said surfactants include anionic such as sulfonated alkyl esters; emollients and hydrocarbons such as hydrophobic lipophilic materials (col. 11-12) and cationic polymeric material (col. 13).

French, et al., teach all of the instantly required except a specific teaching in the example of each of the claimed components. However, it would have been obvious to one of ordinary skill in the art to combine the components to specifically teach the claimed bar compositions because each of the components are taught and required in a single compositions. Applicants respectfully traverse this rejection.

French, et al., teaches an improved freezer bar soap comprising specific saturated fatty acid soaps and lathering synthetic surfactant. French further teaches a composition with improved mildness which maintains acceptable lathering/sudsing characteristics. French further teaches that the level of water in the bar can range from about 15 – 30 % (see col. 9, line 45). In contrast to the teaching of French, et al., with respect to freezer bars of specific broad compositional ranges, applicants have surprisingly discovered a combination toilet bar with specific ranges as claimed that possesses unexpectedly improved properties with respect to lather index and mildness as summarized in example 1 on page 29 – 30 of the instant

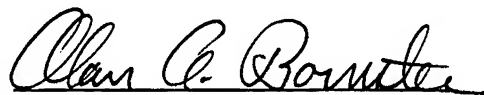
specification. Specifically, applicants have discovered that a combination toilet bar with a specific range of ingredients provides equivalent lather to a comparative soap bar but was shown to be milder using transepidermal water loss test data (see example 1 page 30). French, et al. does not disclose or suggest the specific combination toilet bar of the instant invention with improved lather and mildness properties. French, et al. further teaches away from the claimed inventive soap bar which must contain less than 15% by weight of water. Therefore, applicants respectfully assert that the prima facie case of obviousness presented by the examiner is clearly rebutted in light of the unexpectedly improved properties of the instant invention as presently claimed. See *in re Dillon*, 919 F.2d 688, 692-93 (Fed. Cir. 1990).

### **CONCLUSION**

In light of the above remarks, applicants submit that the claims now pending in the present application are in condition for allowance. Reconsideration and allowance of the application is respectfully requested.

If a telephone interview would facilitate prosecution of the application, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,

A handwritten signature in cursive script, reading "Alan A. Bornstein".

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